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COMMENTARIES ON THE CONSTITUTION OF THE UNITED STATES, HISTORICAL AND JURIDICAL. By Roger Foster. Vol. I. Boston: The Boston Book Company. 1895. pp. viii, 713.

Mr. Foster has undertaken a great work, great both in size and in importance. One volume has already appeared, and although this is a book of some 700 pages, yet such is the fulness with which the author has treated the Constitution, that the volume is confined to a discussion of merely the preamble and the first three sections. Notes and appendices, throwing side lights and bringing out historical settings, have added to the mass of materials which go to make this work a searching commentary. In order to arrange all this matter in a workable system the author has, after a considerable Introduction, taken up the clauses of the Constitution in their order, and grouped his observations about these texts. Sometimes, as in the question of impeachment, clauses scattered through the instrument, but bearing on the topic in hand, are collected and treated under one heading. Even with this systematic arrangement the work will need a careful index.

It is difficult to say how valuable this will be as a law book. It may be that the lawyer is not expected to rely on "commentaries historical and juridical," and indeed, so far as can be gathered from this first volume, the work is more for the student of political organizations and constitutional history than for the constitutional lawyer. To be sure, this volume hardly offers a fair test, as the first sections of the Constitution deal with political rather than with legal questions; yet when under the second section the author has an opportunity to deal with the question of direct taxes, he does so in the attitude rather of a historian than of a legal commentator. Moreover, in the introductory chapter, the origin of the power which our courts possess to deal with questions of constitutionality is indicated only by a passing remark here and there, whereas, were this intended to be a law book, it would have given more attention to this subject, which is at the foundation of all such judicial action. Whether future volumes may develop a more legal character or not, the work nevertheless cannot but be of great advantage to the lawyer in bringing out the historical aspect of the Constitution, for the element of interpretation which enters so largely into questions of constitutional law would often amount to little more than guess-work, were it not for the assistance afforded by history.

In spite of its fulness, the book reads easily. The expositions are clear, and the argumentative comments on questions of secession and on the political nature of the Constitution are forcible, and yet tempered by a just regard for all considerations. Not the least valuable part of the book is the interesting and often rare matter found in the notes.

H. W.

ELEMENTS OF DAMAGES. A Handbook for the Use of Students and Practitioners. By Arthur G. Sedgwick. Boston: Little, Brown, & Co. 1896. (The Students' Series.) pp. xvi, 336.

"This book," a companion volume to Beale's Cases on Damages, "is an attempt to review the law of damages, to state its principles so far as possible in the form of rules or propositions of law, such as a court might lay down to a jury, . . . and to illustrate these by the cases from which they have been drawn." The author, however, has not confined himself merely to stating rules and giving illustrations, but, by discussing principles